[] JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS				DEFENDAN'	TS	
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(c) Attorney's (Firm Name	e, Address, and Telephone N	łumber)		Attorneys (If Kno	wn)	
			A circumstance A circ	·		
II. BASIS OF JURISD		in One Box Only)	II. CITI	ZENSHIP OF P	RINCIPAL PARTIES	(Place an "X" in One Box for Plaintiff
				versity Cases Only)	+	and One Box for Defendant) PTF DEF
☐ 1 U.S. Government Plaintiff	☐ 3 Federal Question (U.S. Governm	nent Not a Party)	Citizen	of This State □		Principal Place 🗆 4 🗆 4
☐ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citize	enship of Parties	Citizen	of Another State		d Principal Place
	in Item III)		Citizen	or Subject of a □	3 □ 3 Foreign Nation	□ 6 □ 6
TIL NATIONAL OF CITE	T (D) ((370)		Fore	ign Country		
IV. NATURE OF SUI CONTRACT		One Box Only) RTS	FORE	EITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
□ 110 Insurance	PERSONAL INJURY	PERSONAL INJURY) Agriculture	☐ 422 Appeal 28 USC 158	☐ 400 State Reapportionment
☐ 120 Marine	☐ 310 Airplane	☐ 362 Personal Injury—	□ 620	Other Food & Drug	1-	☐ 410 Antitrust
☐ 130 Miller Act ☐ 140 Negotiable Instrument	315 Airplane Product Liability	Med. Malpractice ☐ 365 Personal Injury —	□ 62:	5 Drug Related Seizure of Property 21 USC 881	28 USC 157	 430 Banks and Banking 450 Commerce/ICC Rates/etc.
☐ 150 Recovery of Overpayment	☐ 320 Assault, Libel & Slander –	Product Liability		Liquor Laws	PROPERTY RIGHTS	☐ 460 Deportation☐ 470 Racketeer Influenced and
& Enforcement of Judgment 151 Medicare Act	☐ 330 Federal Employers'.	☐ 368 Asbestos Personal Injury Product	□ 650) R.R. & Truck) Airline Regs.	□ 820 Copyrights	Corrupt Organizations
☐ 152 Recovery of Defaulted Student Loans	Liability ☐ 340 Marine	Liability PERSONAL PROPERT		Occupational Safety/Health	☐ 830 Patent	☐ 810 Selective Service ☐ 850 Securities/Commodities/
(Excl. Veterans)	☐ 345 Marine Product	☐ 370 Other Fraud		Other	☐ 840 Trademark	Exchange
☐ 153 Recovery of Overpayment of Veteran's Benefits	Liability ☐ 350 Motor Vehicle	☐ 371 Truth in Lending ☐ 380 Other Personal		LABOR	SOCIAL SECURITY	□ 875 Customer Challenge 12 USC 3410
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle	Property Damage	□ 710	Fair Labor Standards	□ 861 HIA (1395ff)	☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act
☐ 190 Other Contract ☐ 195 Contract Product Liability	Product Liability 360 Other Personal Injury	☐ 385 Property Damage Product Liability	□ 720	Act	□ 862 Black Lung (923) □ 863 DIWC/DIWW (405(g))	☐ 893 Environmental Matters
REALPROPERTY	CIVIL RIGHTS	PRISONER PETITIO	NS	•	☐ 864 SSID Title XVI	☐ 894 Energy Allocation Act ☐ 895 Freedom of
☐ 210 Land Condemnation	☐ 441 Voting	☐ 510 Motions to Vacate	□ 730	Labor/Mgmt.Reporting & Disclosure Act	□ 865 RSI (405(g))	Information Act
☐ 220 Foreclosure	☐ 442 Employment	Sentence		Railway Labor Act	FEDERAL TAX SUITS	Under Equal Access to
☐ 230 Rent Lease & Ejectment☐ 240 Torts to Land☐	☐ 443 Housing/ Accommodations	Habeas Corpus: ☐ 530 General	□ 79 0	Other Labor Litigation	☐ 870 Taxes (U.S. Plaintiff - or Defendant)	Justice ☐ 950 Constitutionality of
☐ 245 Tort Product Liability ☐ 290 All Other Real Property	☐ 444 Welfare ☐ 440 Other Civil Rights	☐ 535 Death Penalty ☐ 540 Mandamus & Othe	r 🗆 791	l Empl. Ret. Inc.	•	State Statutes
2507 in Oald Roll Hopers	Contraction Contraction	☐ 550 Civil Rights ☐ 555 Prison Condition		Security Act	☐ 871 IRS—Third Party 26 USC 7609	☐ 890 Other Statutory Actions
V. ORIGIN (PLAC	E AN "X" IN ONE BO	X ONLY)	-	T C	erred from	Appeal to District
□ l Original □ 2 Re		Remanded from	4 Reinsta Reopen	another ted or □ 5 (specif	r district	
VI. CAUSE OF ACTION	(Cite the U.S. Civil State	te under which you are filing			2115411011	
VI. CAUSE OF ACT	Do not cite jurisdiction	al statutes unless diversity.)			·	
VII. REQUESTED IN		IS A CLASS ACTION	DEN	IAND \$	CHECK YES only	if demanded in complaint:
COMPLAINT:	UNDER F.R.C.F				JURY DEMAND:	
VIII. RELATED CAS IF ANY	E(S) (See instructions):	JUDGE		ANERSK MESSA 1949 T	DOCKET NUMBER	
DATE		SIGNATURE OF ATTO				
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FOR OFFICE USE ONLY						
RECEIPT #AI	MOUNT	APPLYING IFP		JUDGE	MAG. JUI:	OGE

Page 1

Motion to Vacate, Set Aside, or Correct a Sentence By a Person in Federal Custody

(Motion Under 28 U.S.C. § 2255)

Instructions

- To use this form, you must be a person who is serving a sentence under a judgment against you
 in a federal court. You are asking for relief from the conviction or the sentence. This form is
 your motion for relief.
- 2. You must file the form in the United States district court that entered the judgment that you are challenging. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file the motion in the federal court that entered that judgment.
- 3. Make sure the form is typed or neatly written.
- 4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
- 5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum.
- 6. If you cannot pay for the costs of this motion (such as costs for an attorney or transcripts), you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out the last page of this form. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you.
- 7. In this motion, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different judge or division (either in the same district or in a different district), you must file a separate motion.
- 8. When you have completed the form, send the original and two copies to the Clerk of the United States District Court at this address:

Clerk, United States District Court for	r	: .		 	200	•		٠.
Address			1	 ٠.	. 1			:
City, State Zip Code					100		4	* *

- 9. <u>CAUTION</u>: You must include in this motion <u>all</u> the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this motion, you may be barred from presenting additional grounds at a later date.
- 10. <u>CAPITAL CASES</u>: If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

Page 2

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

nited States District Court	District		
tMe (under which you were convicted):		Docket or C	Case No.:
ace of Confinement:		Prisoner No.:	
NITED STATES OF AMERICA	Movai	Nt (<u>include</u> name under v	which you were convicte
v.			
	OTION		
(a) Name and location of court that entered the			challenging:
		-	
(b) Criminal docket or case number (if you kn	nom).		
(a) Date of the judgment of conviction (if you	know):		
(b) Date of sentencing:			
Length of sentence:			
Nature of crime (all counts):	· ·		
		·	
200			
(a) What was your plea? (Check one)		N. N.Itanda	(toot) []
	ty		re (no contest) 🛚
(b) If you entered a guilty plea to one count or indictment, what did you plead guilty to a			
of indictinent, what did you plead guilty to a	nd what did you	a pieda not gunty	
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			Page
id you testify at a pretrial hearing, trial, or post-trial hearing?	Yes 🛚	No 🛚	
id you appeal from the judgment of conviction?	Yes 🛚	No 🛘	
you did appeal, answer the following:			
) Name of court:			
) Docket or case number (if you know):			
) Result:			4.
l) Date of result (if you know):			
) Citation to the case (if you know):			
Grounds raised:			٠.
	·		
If "Yes," answer the following: (1) Docket or case number (if you know): (2) Result:			
(3) Date of result (if you know):		e st	1
(4) Citation to the case (if you know):			
(5) Grounds raised:			
			1.1.2

5) Grounds raised:					
5) Grounds raised.					
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				<i>i</i>	
(6) Did you receive a hearing wh	ere evidence was	s given on you	r motion, pe	tition, or	
application? Yes \(\Bar{\pi} \) No \(\Bar{\pi} \)		· ·			
(7) Result:		·			
8) Date of result (if you know):					
f you filed any second motion, p	and the second of the second o				
(1) Name of court:		and the second second			·
2) Docket or case number (if yo	u know):				
(3) Date of filing (if you know): _					
(4) Nature of the proceeding:					
(5) Grounds raised:					
	1				:
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			1.		
(6) Did you receive a hearing wh	ere evidence wa	s given on vou	r metion, ne	etition or	
application? Yes 🛭 No 🖺		9 6 -1 9-1 9-1 3 - 1	· · · · · · · · · · · · · · · · · · ·		
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(7) Docult:					
(7) Result:					
(8) Date of result (if you know):					
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4.7	f you did not appeal you did not:				and the second s		
wily	you did not.	1.					
For	this motion, state ev	ery ground o	on which yo	u claim th	at you are bei	ng held in vi	olation of t
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	four grounds. State				4.00		
		8 - Taylor					
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) Dire	ect Appeal of Grou	nd One:					
(1) I	If you appealed from	the judgmen	nt of convic	tion, did y	ou raise this is	ssue?	
, i	Yes 🛭 No			• . • •			
(2) I	If you did not raise t	his issue in	your direct	appeal, ex	plain why:		
· <u>· </u>							<u> </u>
Post	-Conviction Proce	edings:					
	Did you raise this is:		ost-convicti	on motion	petition, or a	pplication?	
	Yes 🛭 No l	-,					
(2) 1	If your answer to Qu		is "Yes." st	ate:			
	e of motion or petition						

Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes		: (ii you know	<i>/</i> ·				
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)	Direct Appeal of Ground Two:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes D No D
٠.	(2) If you did not raise this issue in your direct appeal, explain why:
c)	Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes D No D
	(2) If your answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes D No D
	(4) Did you appeal from the denial of your motion, petition, or application?
	Yes D No D
	(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?
	Yes 🛘 No 🖟
	(G) The server appropriate Occapitate (a)(A) to "Yes" about
	(b) It your answer to Question (c)(4) is ites, state:
	(6) If your answer to Question (c)(4) is "Yes," state: Name and location of the court where the appeal was filed:
	Name and location of the court where the appeal was filed:
	Name and location of the court where the appeal was filed:
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	Name and location of the court where the appeal was filed: Docket or case number (if you know): Date of the court's decision:
	Name and location of the court where the appeal was filed: Docket or case number (if you know):

raise this issue:				u did not app	
GROUND THREE:					
(a) Supporting facts (Do not argue or	cite law. Just	and the second s		and the second second	claim.):
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(b) Direct Appeal of Ground Three					
(1) If you appealed from the judge	ment of convicti	on, did you raise	e this issue?		
Yes 🗓 No 🗓					
(2) If you did not raise this issue	in your direct a	ppeal, explain w	/hy:		
(c) Post-Conviction Proceedings:		÷ :		er e	
(1) Did you raise this issue in any	y post-convictior	n motion, petitio	n, or applica	tion?	
Yes 🛭 No 🗓					
(2) If your answer to Question (c)					
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Type of motion or petition:					
Type of motion or petition: Name and location of the court w		or petition was	filed:		* * * .

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(3) Did you receive a hea						.4 *
Yes 🛭 No 🖺						
(4) Did you appeal from (the denial of	your motion, per	tition, or applic	ation?		
Yes □ No □						
(5) If your answer to Que	estion (c)(4) is	s "Yes," did you	raise this issue	in the appe	eal?	
Yes 🛘 No 🖟	* .					
(6) If your answer to Que	estion (c)(4) is	"Yes," state:				
Name and location of the	court where	the appeal was	filed:		<u> </u>	
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Docket or case number (i						
Date of the court's decisi	on:					
Result (attach a copy of t	the court's op	inion or order, i	f available):			. i
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(7) If your answer to Que	estion (c)(4) o	r Question (c)(5)	is "No," explai	n why you	100	ppeal
	estion (c)(4) o	r Question (c)(5)	is "No," explai	n why you	100	ppeal
(7) If your answer to Que	estion (c)(4) o	r Question (c)(5)	is "No," explai	n why you	100	ppeal
(7) If your answer to Que	estion (c)(4) o	r Question (c)(5)) is "No," explai	n why you	did not a	ppeal
(7) If your answer to Que	estion (c)(4) o	r Question (c)(5)) is "No," explai	n why you	did not a	
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(7) If your answer to Queraise this issue:	estion (c)(4) o	r Question (c)(5)	is "No," explai	n why you	did not a	
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(7) If your answer to Queraise this issue:	estion (c)(4) o	r Question (c)(5)	is "No," explai	n why you	did not a	

)	Direct Appeal of Ground Four:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes D No D
	(2) If you did not raise this issue in your direct appeal, explain why:
•	
) 1	Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes D No D
	(2) If your answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes 🛘 No 🖟
	(4) Did you appeal from the denial of your motion, petition, or application?
	(4) Did you appeal from the denial of your motion, petition, or application? Yes No
٠.	Yes 🖟 No 🖟
	교육은 이 경우는 사람들은 사람들이 되었다. 그는 사람들은 사람들은 사람들은 사람들이 가지 않는 것이 없었다.
	Yes No Control No Cont
	Yes No Control No Cont
	Yes No Control Name and location of the court where the appeal was filed:
	Yes No Control No Cont
	Yes No Control Name and location of the court where the appeal was filed:
	Yes No Control No Cont
	Yes No Control Name and location of the court where the appeal was filed:

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Is there any ground in this motion that you have not previously presented in some federal count of so, which ground or grounds have not been presented, and state your reasons for not presenting them: Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any cofor the judgment you are challenging? Yes \(\text{No} \) \(\text{No} \) \(\text{If Yes,} \) 'state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging: (a) At preliminary hearing: (b) At arraignment and plea: (c) At trial: (d) At sentencing:			and the second second	A Company of the Company		y you did not	
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(a) At preliminary hearing:	If "Yes," state the n proceeding, and the	ame and location	n of the court	t, the docket			
(b) At arraignment and plea:	If "Yes," state the n proceeding, and the Give the name and	ame and location issues raised	n of the court	t, the docket			
(c) At trial:	If "Yes," state the n proceeding, and the Give the name and stages of the judgm	ame and location issues raised address, if know ent you are chall	n of the court	t, the docket			
(c) At trial:	If "Yes," state the n proceeding, and the Give the name and stages of the judgm	ame and location issues raised address, if know ent you are chall	n of the court	t, the docket			
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(d) At sentencing:	If "Yes," state the n proceeding, and the Give the name and stages of the judgm (a) At preliminary h	ame and location issues raised address, if know ent you are chall nearing:	n of the court	t, the docket			
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(e) On appeal:							
						4	
(f) In any post-conviction	n proceeding:		·	· ·	*.		
					·		
(g) On appeal from any	ruling against y	ou in a po	st-convi	tion proce	eding:	11.	
						٠. ٠	
							1000
16. Were you sentenced on	more than one c	ount of ar	indictm	ent, or on	more than	one indi	ctment, ii
the same court and at th	ne same time?	Yes 🛚	No 🛘				· .
17. Do you have any future	sentence to serv	ve after yo	ou comple	ete the sen	tence for t	he judgn	ent that
you are challenging?	Yes 🛮 No 🖺	h: .					
(a) If so, give name and	location of cou	rt that im	posed the	e other sen	tence you	will serv	e in the
future:			<u> </u>		··· ······	· · ·	
			· ·				
(b) Give the date the oth	ner sentence wa	s imposed	:		.14		
(c) Give the length of th	e other sentence	e:					
(d) Have you filed, or do			ion, peti	tion, or app	olication th	at challe	enges the
judgment or sentence to	be served in th	e future?	Yes D	No 🛚			

must explain why the one-year statute of limitations as contained in 20 C.S.C. § 2233 does not bar your motion.*	18.	TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you
	۲.	must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not ber your motion *
	٠.	

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of -

^{*} The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

⁽¹⁾ the date on which the judgment of conviction became final;

⁽²⁾ the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;

⁽³⁾ the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

⁽⁴⁾ the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court	t grant the follo	wing relief:		
	1.0			
or any other relief to which movant ma	ay be entitled.			
		Signature of Attor	ney (if any)	
I declare (or certify, verify, or state) un	nder penalty of	periury that the for	egoing is true and	correct
and that this Motion under 28 U.S.C.	The state of the s			
(month, date, year).	o p			
Executed (signed) on	(date)			e i i e e E ge
		Signature of Mova	int	
If the person signing is not movant, st	· ·	to movant and exp	olain why movant i	is not
signing this motion.	·		<u> </u>	•
			· · · · · · · · · · · · · · · · · · ·	
IN FOR	RMA PAUPERIS	S DECLARATION		y y